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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA
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7 PAUL WILLIAM JENSEN,

8 Plaintiff, 1: 05 CV 0401 AWI WMW PC

9 vs. ORDER RE MOTION (DOC 29)

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11 JAMES A. YATES, et al.,

12 Defendants.

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15 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C.
16 § 1983.

17 On February 18, 2009, findings and recommendations were entered and served on
18 Plaintiff. On February 27, 20009, the recommendation was returned with a notation that Plaintiff
19 is deceased. Pursuant to Fed. R. Civ. P. 25(a)(1), successors or representatives of a deceased
20 party may make a motion for substitution “not later than 90 days after the death is suggested
21 upon the record” and continue the action. The court accepts the suggestion of death upon the
22 record. Under Rule 25(a)(1), unless a motion for substitution is made, “the action shall be
23 dismissed as to the deceased party.” Absent such a statement, this case will be dismissed on June
24 5, 2009.

25 IT IS SO ORDERED.

1 **Dated:** March 13, 2009

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1 /s/ William M. Wunderlich
2 UNITED STATES MAGISTRATE JUDGE